

DISPOSITION: August 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1959. Misbranding of W-Whey. U. S. v. 23 Packages and 8 Packages of W-Whey. Default decree of condemnation and destruction. (F. D. C. No. 19688. Sample Nos. 50681-H, 50682-H, 50684-H.)

LIBEL FILED: April 26, 1946, Southern District of Iowa.

ALLEGED SHIPMENT: On or about February 5, 1946, by Schiff Bio-Food Products, from Detroit, Mich.

PRODUCT: 23 12-ounce packages and 8 30-ounce packages of *W-Whey* at Davenport, Iowa. Federal Health Foods, Davenport, Iowa, purchased from the publishers and distributed to its mailing list approximately 2,000 copies of a booklet entitled "Federal's Health News." On page 17 of this magazine was an advertisement sponsored by the packer of the product, for "Little Miss Muffet Brand W-Whey," in which the article is offered for bad breath, coated tongue, tired, haggard looks, excessive food decomposition, bowel gas, irritability, headaches, sallow skin, and poor appetite.

Examination showed that the product was dried whey containing, per ounce, compounds of calcium equivalent to not more than 171 milligrams of calcium, and compounds of phosphorus equivalent to not more than 187 milligrams of phosphorus.

LABEL, IN PART: "Little Miss Muffet Brand W-Whey Schiff's Whole Powdered Milk Whey."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use of the product in the treatment of bad breath, coated tongue, tired, haggard looks, excessive food decomposition, bowel gas, irritability, headaches, sallow skin, and poor appetite, which are the conditions for which the article was offered in its advertising sponsored by or on behalf of its manufacturer, packer, or distributor.

The article was alleged to be misbranded also under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: July 16, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1960. Misbranding of Trexcene Special Tablet Compound. U. S. v. 3,350 Boxes of Trexcene Special Tablet Compound. Default decree of condemnation and destruction. (F. D. C. No. 20230. Sample No. 63247-H.)

LIBEL FILED: June 11, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about April 22, 1946, by the Ivers Lee Co., Newark, N. J.

PRODUCT: 3,350 boxes, each containing 24 tablets, of *Trexcene Special Tablet Compound* at New York, N. Y. Examination showed that the product consisted essentially of a laxative plant drug such as aloes, iron sulfate, oil of pennyroyal, and extracts from plant materials, and that it was coated with calcium carbonate and sugar.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since it failed to state why the article was to be used; and, Section 502 (f) (2), it failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe duration of administration, since the article was essentially a laxative. In addition, the label statement "Not for use in pregnancy or appendicitis" would not inform users that the article should not be taken in case of nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and it failed to warn that frequent or continued use of the article might result in dependence upon laxatives.

DISPOSITION: July 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1961. Misbranding of Glando-Plex Tablets. U. S. v. 60 Bottles of Glando-Plex. Default decree of condemnation and destruction. (F. D. C. No. 16685. Sample No. 23606-H.)

LIBEL FILED: July 5, 1946, Western District of Texas.

ALLEGED SHIPMENT: On or about March 20 and April 1, 1945, by the Veltex Co., from Birmingham, Ala.

PRODUCT: 60 100-tablet bottles of *Glando-Plex* at San Antonio, Tex. Examination indicated that this product had the composition declared on the label.

LABEL, IN PART: "Glando-Plex * * * Distributed By Vigo Vitamin Co. San Antonio, Texas. Each tablet contains: Vitamin B₁ 666 U. S. P. Units Yohimbin Hydrochloride 0.0005 Gram Orchic Substance 0.05 Gram Calcium Glycerophosphate 0.15 Gram Sodium Glycerophosphate 0.15 Gram Extract Nux Vomica 0.03 Gram."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Glando-Plex * * * Take 2 to 3 Tablets Depending Upon Age and Severity of Case * * * When desired effect is reached discontinue use," were false and misleading since they represented and suggested that the product was effective as a sex restorer, whereas it would not be effective to produce such a result; and the statement, "Each Tablet Contains * * * Orchic Substance 0.05 Gram," was misleading since it failed to reveal the material fact that orchic substance possesses no therapeutic activity when taken by mouth.

Further misbranding, Section 502 (e) (2), the product was fabricated from two or more ingredients, and its label failed to bear a statement of the quantity or proportion of strychnine contained therein; Section 502 (f) (2), the label failed to bear adequate warnings against use in those pathological conditions where the use of the product might be dangerous to health, since the label failed to warn that in view of the yohimbine hydrochloride present, the article should not be taken by those suffering from heart disease, high blood pressure, or kidney disease. The label further failed to warn that an article containing nux vomica might be dangerous, especially when used by elderly persons.

Further misbranding, Section 502 (f) (2), the label failed to bear adequate warnings against unsafe duration of administration of the article since its label did not warn that the use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

DISPOSITION: January 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1962. Misbranding of dental cartridges. U. S. v. 232 Cartons of Dental Cartridges. Default decree of condemnation and destruction. (F. D. C. No. 19991. Sample No. 29998-H.)

LABEL FILED: June 7, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about April 9, 1945, from Louisville, Ky.

PRODUCT: 232 cartons of dental cartridges at San Francisco, Calif., in the possession of the unclaimed warehouse of the Southern Pacific Co. The dental cartridges had become water-soaked, and the labels of many of the cartons had become illegible or detached.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1) and (2), some of the labels failed to bear the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (2), the articles were fabricated from two or more ingredients, and some of the labels failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (1), some of the labels failed to bear adequate directions for use.

DISPOSITION: July 30, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1963. Adulteration and misbranding of veterinary drug preparations. U. S. v. 41 Packages of Martin's Sulfa-Rea Powder, 20 Bottles of Martin's Phenika Wormer, and 38 Packages of Martin's Phenothiazine Powder. Default decrees of condemnation and destruction. (F. D. C. No. 19460. Sample Nos. 24895-H to 24897-H, incl.)

LABELS FILED: March 27, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 28, August 16, and October 4, 1945, by C. J. Martin & Sons, from Austin, Tex.

PRODUCT: The above-listed drug preparations were located at De Quincy, La. The *Sulfa-Rea Powder* had solidified, apparently the result of absorption of moisture; and it contained essentially 15 percent of sulfonamides, as declared on the label. The *Phenika Wormer* contained approximately 12.5 grams of phenothiazine and 0.5 gram of 40 percent nicotine sulfate per ounce. The *Phenothiazine Powder* consisted essentially of 100 percent of phenothiazine, as